



1020 N STREET, SACRAMENTO, CA 95814



March 7, 1986

John Larson, Chairman
Fair Political Practices Commission
428 J Street, Suite 800
Sacramento, CA 95814

Re: Violations of the Fair
Political Practices Act

Dear Mr. Larson:

A question was recently posed by one of the boards within the Department of Consumer Affairs (Department) regarding the application of the Fair Political Practices Act (FPPA). The question posed, which relates to aiding and abetting violations of the FPPA, would be equally applicable to all of the boards within the Department.

The issue with which the Department is concerned relates to whether the executive officer and/or board members can be held personally liable for aiding and abetting violations of the FPPA. The context within which this issue arises is as follows:

"Board member 'A', who has a clear personal conflict of interest, proceeds to participate in the discussion and voting despite said conflict. The executive officer and other board members are aware of the conflict of interest of Board member 'A'. However, the executive officer and other board members take no action during the open meeting with reference to the conflict, i.e., raising the issue of the conflict."

Given the foregoing context, would the executive officer and/or other board members be in violation of the FPPA for aiding and abetting Board member 'A' in violating the FPPA?

I would appreciate the opportunity to meet and discuss this issue with you.

Sincerely,

A handwritten signature in cursive script that reads "Marie Shibuya-Snell".

MARIE SHIBUYA-SNELL
Director

MSS:BTK:irg



California Fair Political Practices Commission

March 18, 1986

Marie Shibuya-Snell, Director
Department of Consumer Affairs
1020 N Street
Sacramento, CA 95814

Re: Your Request for Informal
Assistance
Our File No. I-86-088

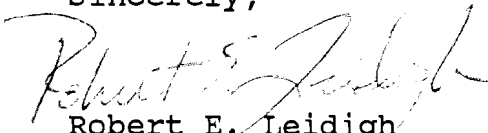
Dear Ms. Shibuya-Snell:

Thank you for your recent letter seeking informal assistance from the Commission. I enclose a copy of the Commission's regulation regarding seeking advisory assistance from the Commission. 2 Cal. Adm. Code Section 18329. As you can see, the Commission does not respond to hypothetical questions or questions which do not reveal the identity of the person whose duties under the Political Reform Act are in question.

Of course, as a general proposition, if a member of a Board or Commission believes that another member has a conflict of interest requiring disqualification, it would be appropriate to bring that concern to the attention of the agency's counsel so that he or she could make a determination and advise the subject board member accordingly.

You have indicated a desire to meet with us to discuss this issue and we are agreeable to doing so if you believe that would be helpful. I may be reached at (916) 322-5901.

Sincerely,


Robert E. Leidigh
Counsel
Legal Division

REL:plh
Enclosure